

REMARKS

Claims 1-23, 25 and 26 are pending. Claims 1 and 19 have been amended to provide that the transfer units have at least one retainer having a shape that frictionally engages a dosage form inserted therein. Support for the shape that frictionally engages dosage forms is found on page 54, lines 8-21. Claim 10 has been amended as to form, to provide that the circular paths of the two operational modules are horizontal, and to provide that the coincident path is along an arc of the first and second paths. Support for the horizontal circular paths is provided in the figures showing a horizontal orientation for the equipment associated with the devices. Support for the coincident paths being an arc on the first and second paths is found on page 53, lines 20-21. Claim 21 has been amended to incorporate the subject matter of claim 24. No new matter has been added.

Applicants enclose a copy of U.S. Patent No. 6,880,694 and direct the Examiner's attention to copending application 11/045,217, which is a divisional application of the '694 Patent.

The Examiner rejects claim 10 under 35 U.S.C. 112(2) as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner objects to the phrase "for transferring substrates from a first operating module comprising a first rotor adapted to carry...second rotor adapted to carry.." The Examiner suggests that each element of a claim should be separated by a line indentation per 35 C.F.R. 1.75(i). Claim 10 has been amended to address each of the Examiner's points. Applicants request that the Examiner reconsider and withdraw his rejection of claim 10 under 35 U.S.C. 112.

The Examiner rejects claims 1, 2, 5, 6, 7, 10, 12, 13, 19, 20, 21 and 26 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,563,170 ("Cvacho"). The Examiner rejects claims 1, 2, 5, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 25 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,330,400 ("Alexander"). The Examiner rejects

claims 1-26 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,234,300 ("De Vos"). Applicants respectfully traverse these rejections.

Claims 1, 10, 12, 19 and 21 are independent claims of record. Applicants focus for purposes of this communication on the features of the independent claims without disclaiming or precluding any basis for showing separate grounds for patentability as to each of the dependent claims.

Claim 1 is directed to an apparatus for transferring dosage forms containing a medicament from a first location to a second location, comprising: a) a flexible conveying means; b) a plurality of transfer units mounted to said conveying means, said transfer units having at least one retainer having a shape that frictionally engages said dosage form inserted therein; c) a cam track defining a path between said first and second locations; and d) means for driving said conveying means along said cam track.

Claim 1 has been amended to provide that the transfer units have a shape that frictionally engages dosage forms provided therein. Claim 19 has been amended analogously. The substrates being transferred in Cvacho and Alexander are cylindrical cans, not medicinal dosage forms. Further, the cans are not inserted into a retainer having a shape that frictionally engages the cans. Cvacho describes the use of a vacuum as means for retaining the cans on the transfer device. See column 10, lines 15-24. The devices in Alexander and De Vos employ moveable sections or grippers to clamp onto the substrates (cans in Alexander and fruit in De Vos). None of the references cited by the Examiner disclose or suggest retainer units capable of holding a dosage form using a frictional fit upon insertion of a dosage form as provided in claims 1, 19 and their dependent claims.

Claim 10 is directed to an apparatus for transferring substrates from a first operating module having a first rotor adapted to carry said substrates around a first circular horizontal path to a second operating module having a second rotor adapted to carry said substrates around a second circular horizontal path. The apparatus comprises a flexible conveying means traversing a third path, a first portion of said third path being coincident with a portion

of the arc of said first circular path and a second portion of said third path being coincident with a portion of the arc of said second circular path.

Cvacho discloses a machine for marking the exterior surfaces of cylindrical containers. To the extent the reference includes a device with a flexible conveying path (40), such device moves the cylindrical containers from one operating module to a second operating module that both follow vertical paths. Alexander is similarly directed to a device for transferring cylindrical containers, though it fails to follow the arc path of more than one operating module. De Vos is even more remote from the invention of claim 10 as it does not appear to follow the arc of either module to which it is associated. Hence, the references cited by the Examiner fail to disclose or render obvious the invention of claim 10 and its dependent claim.

Claim 12 is directed to an apparatus for transferring dosage forms containing a medicament from a first location to a second location having a plurality of transfer units that hold at least two dosage forms. All of the transfer units in the references of record move a single substrate per unit. Hence, the prior art fails to disclose or suggest the invention of claim 12 and its dependent claims.

Claim 21 is directed to an apparatus for transferring dosage forms containing a medicament from a first location to a second location, comprising: a) a flexible conveying means; b) a plurality of transfer units mounted to said conveying means, each transfer unit being adapted to rotate while they are moved from said first location to said second location along a non-circular path, each transfer unit being capable of holding at least two dosage forms, and wherein the plurality of transfer units further comprise a plunger shaft mounted therein and capable of vertical movement into the respective space in which a dosage form is retained; c) a cam track defining a path between said first and second locations; and d) means for driving said flexible conveying means along said cam track. Claim 21 includes the element that the plurality of transfer units further comprise a plunger shaft mounted therein and capable of vertical movement into the respective space in which a dosage form is retained.

As noted above, the prior art does not disclose or suggest inserting a dosage form into the transfer units. The prior art, therefore, could not suggest the recited structural feature of a plunger shaft mounted on each transfer unit capable of vertical movement for inserting the dosage form into and out of the transfer unit. Applicants urge that the prior art of record fails to disclose or suggest the invention of claim 21 and its dependent claims.

Applicants have shown above that the prior art of record fails to disclose or suggest all of the elements of the pending independent claims. For this reason, Applicants request that the Examiner reconsider and withdraw his anticipation rejections of the pending claims.

The Examiner rejects claims 1-26 under the judicially created doctrine of obviousness-type double patenting over claims 1-6 in U.S. Patent No. 6,742,646. This application is related to the '646 Patent. The rejection can be overcome by filing a terminal disclaimer.

In the event that minor amendments will further prosecution, Applicants request that the Examiner contact the undersigned representative.

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